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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 KYNTREL T. JACKSON,

10 Plaintiff,

11 v.

12 SHAWNA PATZKOWSKI, et al.,

13 Defendants.  
14

CASE NO. C18-1508RSM-MLP

ORDER ADOPTING THIRD REPORT  
AND RECOMMENDATION

15 This matter is before the Court on United States Magistrate Judge Michelle L. Peterson's  
16 Report and Recommendation ("R&R"). Dkt. #79. Judge Peterson recommends that Plaintiff's  
17 3rd Motion for TRO/Preliminary Injunctions (Dkt. #67) be denied. Dkt. #79. Plaintiff has  
18 objected to the R&R. Dkt. #81. For the following reasons the Court adopts the R&R and denies  
19 Plaintiff's motion.  
20

21 Pro se Plaintiff is a prisoner asserting civil rights actions against numerous individual  
22 defendants working for the Washington State Department of Corrections. Plaintiff has twice  
23 unsuccessfully sought injunctions in this case. Dkts. #36 and #57. Plaintiff first sought an  
24 injunction on the basis that his imminent return to general population was likely to result in  
25 "problems," including Plaintiff's assault. Dkt. #36. Plaintiff sought to be transferred to a specific  
26 facility and specific relief if he was assaulted within 72 hours of returning to general population.

1 *Id.* Plaintiff's first motion was denied. Dkt. #78. Plaintiff then sought an injunction on the basis  
2 that he had been involved in a physical altercation within approximately one half-hour of being  
3 moved to general population and had been returned to the intensive management unit without  
4 due process. Dkt. #57. Plaintiff sought substantially the same relief as in his first motion. *Id.*  
5 This motion, too, was denied. Dkt. #85. Plaintiff now files a third motion which Defendants  
6 have opposed. Dkts. #67 and #73.

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8 Plaintiff's current motion indicates that he is now housed in Clallam Bay Correctional  
9 Center (CBCC)—where no Defendants are employed—and that “defendants are continuously  
10 trying and having the plaintiff repeatedly assaulted and potentially killed in retaliation over this  
11 civil action.”<sup>1</sup> Dkt. #67 at 1. Plaintiff seeks a temporary restraining order against all Defendants  
12 requiring that Plaintiff be provided “all his property in cell along with his level 4 & appliances”  
13 and requiring that Defendants not “place the plaintiff in units/prisons that they know he will be  
14 assaulted at due to his gang affiliation/charges.” *Id.* at 7. Plaintiff is currently housed in the  
15 intensive management unit in “involuntary protective custody.” *Id.* at 6.

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17 Judge Peterson recommends denial of Plaintiff's third motion for injunctive relief because  
18 Plaintiff fails to satisfy any of the legal requirements for a preliminary injunction or temporary  
19 restraining order to issue. Dkt. #79 at 4. Judge Peterson concludes that Plaintiff has failed to  
20 demonstrate a likelihood of success on his claims, has not demonstrated that irreparable harm  
21 will occur in the absence of an injunction, and that the balance of equities and public interest  
22 weigh against issuing an injunction. *Id.*

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24 Plaintiff objects to the R&R. Dkt. #81. Plaintiff's objection first clarifies that he “is not  
25 housed in protective custody” and instead is housed in “involuntary protective custody” while  
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<sup>1</sup> Plaintiff indicates that he plans to file a new lawsuit over the alleged retaliation. Dkt. #67 at 6.

1 CBCC staff determine why Plaintiff was transferred to CBCC and where to house Plaintiff. *Id.*  
2 at 1. Secondly, Plaintiff clarifies that his fear of irreparable harm is based on the possibility that,  
3 pursuant to a specific prison policy, a box of his property—legal documents—may be destroyed,  
4 thereby compromising his ability to pursue his legal matters. *Id.* at 2. Neither of these minor  
5 factual clarifications satisfies the requirements for issuance of an injunction and Plaintiff does  
6 nothing to challenge the legal underpinning of the R&R. The Court agrees with and adopts the  
7 analysis of Judge Peterson’s R&R.  
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9 Accordingly, having reviewed the R&R and Plaintiff’s objections and for the reasons  
10 articulated in Judge Peterson’s R&R and this Order, the Court finds and ORDERS:

- 11 1. The Report and Recommendation (Dkt. #79) is ADOPTED.
- 12 2. Plaintiff’s 3rd Motion for TRO/Preliminary Injunctions (Dkt. #67) is DENIED.

13 Dated this 8 day of April, 2019.

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16 RICARDO S. MARTINEZ  
17 CHIEF UNITED STATES DISTRICT JUDGE  
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